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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Larry Regelin

Serial No.: 10/632,161

Examiner: Robert J. McCarry, Jr

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Group: 3617

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For: MEMORY MARKER FOR A GRAVESITE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 4, 2004 by Marvin Jacobson

Marvin Jacobson

10-4-04

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Official Action dated September 2, 2004.

The rejection of claims under 35 U.S.C. 103 for obviousness on the combination of Pierce, et al. and Johnson is respectfully but strenuously traversed.

The Examiner correctly describes Pierce's display device in accordance with the description contained in the Pierce patent, but not in accordance with the elements of the instant invention as recited in independent claims 1 and 6. Independent claims 1 and 6 recite that the two members are removably snugly nested to hold the displayed article, such as a photograph, between the bottom walls of the nested cavities. The Pierce device as described and shown in the Pierce, et al. patent has the open sides of the two cavities facing one another so that the two members are not nested together but face one another and are held together by latching means such as a clip 28 engaging the outer surfaces of the outer walls 17 and 22 to hold the members closed together, see Pierce's Figs. 2 through 4. In applicant's invention, as recited in the claims and described in the specification, the snug nesting of the two members holds them together with the photograph or the like held in place and the snug fit between the cavity walls of the respective members provides a barrier or shield against weather elements.

New claim 14 has been added to further define the feature of the snug fit of the cavity walls providing a shield against the weather elements when the members are nested together.

Since the claims are now clearly patentably distinguishable from Pierce, similarly they are patentably distinguishable from Pierce in combination with Johnson.

In view of the foregoing, it is submitted that the application is now in condition for allowance and an early notice to that effect is respectfully requested.

Respectfully submitted,
JACOBSON AND JOHNSON

By 

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